

REMARKS

Applicant respectfully requests reconsideration. Claims 8-27 were previously pending in this application. No amendments have been made to the claims. No new matter has been added.

Double Patenting Rejection

The Examiner rejected claims 8-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 7, 13, 15 and 17 of U.S. Patent No. 6,440,734.

Without conceding the Examiner's position and rather in order to expedite prosecution, Applicant submits herewith a Terminal Disclaimer over U.S. Patent No. 6,440,734, signed by assignee Cytomatrix, LLC. Accompanying the Terminal Disclaimer is a Statement Under 37 CFR 3.73(b) evidencing the ownership interest of Cytomatrix, LLC in the present application. In view of this submission, the Examiner is respectfully requested to reconsider and withdraw the rejection.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



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